

Appl. No. 09/730,689
Reply to Office Action of August 23, 2005

Remarks

This is in response to the Office Action mailed February 6, 2006, which included a final rejection of all claims presented. Applicant submits that the amendments and remarks included herein show the present claims to be allowable or, if necessary, in better form for appeal. Therefore, applicant respectfully requests that this AMENDMENT be entered and considered on its merits.

Claims 1-10 and 12-25 were pending. By way of this response, claims 1, 16 and 21 have been amended. The present claims have been amended to make more clear that the plurality of electrical power output assemblies of the present circuit panel are located substantially in the housing of the power distribution unit, that each receptacle is adapted to provide electrical power from one of the electrical power output assemblies (claims 1 and 21), and that at least one of the receptacles is connected to the electrical power input assembly without directly contacting any of the plurality of electrical power output assemblies of the circuit panel of the power distribution unit.

In effect, the claims, as amended, are now clear that at least one receptacle is not in direct contact with a component, that is any of the plurality of electrical power output assemblies, of the circuit panel of the present power distribution unit, not an utility circuit panel of an electrical power supply, as in the prior claims as interpreted by the Examiner. Support for the amendments to the claims can be found in the application as originally filed, and no new matter has been added. Accordingly, claims 1-10 and 12-25 remain pending.

Claims 1-3, 6-10, 12-16, 19-22, 24, and 25 have been rejected under 35 U.S.C. § 103(a) as allegedly being obvious

Appl. No. 09/730,689

Reply to Office Action of August 23, 2005

over Jones (U.S. Pat. No. 3,631,590) in view of Pak (U.S. Pat. No. 5,574,612). Claims 4, 18, and 23 have been rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Jones in view of Pak and further in view of Tajali (U.S. Pat. No. 5,414,590). Claim 5 has been rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Jones in view of Pak and further in view of de Vries (U.S. Pat. No. 6,433,444). Claim 17 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Jones in view of Pak and further in view of Johnson (U.S. Pat. No. 6,462,961). Applicant traverses each of these rejections as it pertains to the present claims.

As indicated herein, the independent claims have been amended to make clear that at least one receptacle is not in direct contact with any of the plurality of electrical power output assemblies which are part of the circuit panel of the power distribution unit. Such plurality of electrical power output assemblies are not part of a utility circuit panel of an electrical power supply.

In the Office Action, at page 2, the Examiner appears to question whether the circuit panel recited in the previous claims could be interpreted as being a utility circuit panel of an electrical power supply.

As noted above, the present claims have been amended to make clear that at least one receptacle is electrically connected to the electrical power input assembly (of the power distribution unit) without directly contacting any of the plurality of electrical power output assemblies of the circuit panel of the power distribution unit. Moreover, both the electrical power input assembly and the plurality of electrical power output assemblies are recited as being located substantially in the housing of the power distribution unit.

Appl. No. 09/730,689
Reply to Office Action of August 23, 2005

The Examiner, at page 2 of the Office Action, states as follows:

"A receptacle of PAK as a portion of the circuit breaker of JONES is a receptacle that is in direct contact of the JONES panel (54) is separate from the power supply (utility panel)."

In this statement, the Examiner acknowledges that the combination of JONES and PAK would result in a receptacle in direct contact with the circuit panel 54 of JONES' power distribution unit.

However, as noted above, the present claims recite that at least one receptacle is electrically connected without directly contacting any of the plurality of electrical power output assemblies of the circuit panel of the power distribution unit.

Thus, the Office Action indicates that the primary reference, Jones, does not disclose all of the elements recited in the present claims (e.g., at least one of the receptacles being electrically connected to the electrical power input assembly without directly contacting a component of the circuit panel), and that the secondary reference, Pak, does not disclose all of the elements recited in the present claims (e.g., at least one of the receptacles being electrically connected to the electrical power input assembly without directly contacting any of the plurality of electrical power output assemblies of the circuit panel).

Jones discloses a portable distribution panel including a wheeled housing. As acknowledged in the Office Action, Jones does not disclose, teach, or even suggest any type of receptacles for providing electrical power, let alone at least one receptacle being electrically connected without directly

Appl. No. 09/730,689
Reply to Office Action of August 23, 2005

contacting any of a plurality of electrical power outlet assemblies of the circuit panel of the power distribution unit, as recited in the present claims.

Pak discloses a "plug-in" receptacle that can be substituted for a circuit breaker of a conventional service panel. The receptacle 20 is designed to be directly mounted on service panel 22 so that no special modifications are needed to the panel in order to mount the receptacle (column 5, lines 20-24). In short, Pak discloses a receptacle that has a housing that directly contacts a portion or component of a service panel. The receptacle is installed on the service panel by removing a circuit breaker module and substituting the receptacle therefor. The spring contacts 56a and 56b of the receptacle 20 physically contact the blades 120 of the service panel.

As discussed herein, the Examiner has acknowledged that providing the receptacle of Pak as a portion of the circuit breaker of Jones would result in a receptacle that is in direct contact with a power output assembly of the circuit panel of the Jones system. This is in clear and direct contrast to the present claims, which recite that at least one receptacle does not directly contact any of the plurality of electrical power outlet assemblies of the circuit panel of the present power distribution unit. Thus, even if the deficient teachings of Pak could be erroneously combined with the deficient teachings of Jones, applicant submits, and the Examiner acknowledges, that the combination would not result in the present invention, and would not disclose all of the elements recited in the present claims.

Pak actually teaches away from the present claims. For example, the receptacle of Pak includes two internally located

Appl No. 09/730,689
Reply to Office Action of August 23, 2005

spring contacts that are necessary to achieve a desired electrical connection. The internal spring contacts contact the extending blades of the service panel. The structural arrangement of the Pak receptacle causes the housing of the receptacle to directly contact a power output assembly of the service panel. The specific structural arrangement disclosed by Pak is required in order to provide the desired efficient utilization of space within the service panel and the temporary electrical connection (column 3, lines 21-23; and column 5, lines 24-29). Thus, Pak actually teaches away from receptacles of power distribution units that do not directly contact any of a plurality of electrical power output assemblies of a power distribution unit circuit panel, as recited in the present claims.

"As a general rule, references that teach away cannot serve to create a prima facie case of obviousness." (*McGinley v. Franklin Sports, Inc.* CAFC 8/21/01 citing *In re Gurley*, 31 USPQ2d 1131, (Fed. Cir. 1994)).

In view of the above, applicant submits that the present claims, in particular claims 1-3, 6-10, 12-16, 19-22, 24 and 25 are unobvious from and patentable over Jones in view of Pak under 35 U.S.C 103(a).

Applicant submits that the other references fail to provide the deficiencies apparent in Jones and Pak. For example, Tajali does not even contain the word "receptacle", let alone a power distribution unit that includes one or more receptacles, as recited in the present claims. de Vries and Johnson also do not contain the word "receptacle", let alone a power distribution unit that includes one or more receptacles, as recited in the present claims. Thus, none of the references taken alone or in

Appl. No. 09/730,689
Reply to Office Action of August 23, 2005

any combination disclose, teach, or even suggest all of the elements recited in the present claims.

Therefore, applicant submits that the present claims, in particular claims 4, 5, 17, 18 and 23, are unobvious from and patentable over Jones in view of Pak and further in view of Tajali and/or de Vries and/or Johnson under 34 U.S.C 103(a).

Applicant further submits that each of the present dependent claims is separately patentable over the prior art. For example, none of the prior art disclose, teach, or even suggest the present power distribution units including the additional feature or features recited in any of the present dependent claims. Therefore, applicant submits that each of the present claims is separately patentable over the prior art.

Appl. No. 09/730,689
Reply to Office Action of August 23, 2005

Conclusion

In conclusion, applicant has shown that the present claims are unobvious from and patentable over the prior art under 35 U.S.C. § 103. Therefore, applicant submits that the present claims, that is claims 1-10 and 12-25 are allowable. Therefore, applicant respectfully requests the Examiner to pass the above-identified application to issuance at an early date. Should any matters remain unresolved, the Examiner is requested to call (collect) applicant's attorney at the telephone number given below.

Date: 4/5/06

Respectfully submitted,



Frank J. Uxa
Attorney for Applicant
Registration No. 25,612
4 Venture, Suite 300
Irvine, California 92618
(949) 450-1750
(949) 450-1764 Facsimile